

Calendar No. 531

105TH CONGRESS
2D SESSION

S. CON. RES. 82

Expressing the sense of Congress concerning the worldwide trafficking of persons, that has a disproportionate impact on women and girls, and is condemned by the international community as a violation of fundamental human rights.

IN THE SENATE OF THE UNITED STATES

MARCH 10, 1998

Mr. WELLSTONE (for himself, Mrs. FEINSTEIN, Mr. DURBIN, Mr. DODD, Ms. LANDRIEU, Mr. TORRICELLI, Ms. MOSELEY-BRAUN, Mr. KENNEDY, Mrs. BOXER, Mr. LEVIN, Ms. MIKULSKI, Mr. FAIRCLOTH, Mrs. MURRAY, Mr. MOYNIHAN, and Mr. FEINGOLD) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations

AUGUST 25, 1998

Reported under authority of the order of the Senate of July 31, 1998, by Mr. HELMS, with an amendment and amendments to the preamble

[Omit the part struck through and insert the part printed in *italic*]

CONCURRENT RESOLUTION

Expressing the sense of Congress concerning the worldwide trafficking of persons, that has a disproportionate impact on women and girls, and is condemned by the international community as a violation of fundamental human rights.

Whereas one of the fastest growing international trafficking businesses is the trade in women, whereby women and

girls seeking a better life, a good marriage, or a lucrative job abroad, unexpectedly find themselves in situations of forced prostitution, sweatshop labor, exploitative domestic servitude, or battering and extreme cruelty.

Whereas trafficked women are often subjected to rape and other forms of sexual abuse by their traffickers and often held as virtual prisoners by their exploiters, made to work in slavery-like conditions, in debt bondage without pay and against their will;

Whereas the President, the First Lady, the Secretary of State, ~~and~~ the President's Interagency Council on Women, *and the Agency for International Development* have all identified trafficking in women as a significant problem and are working to mobilize a response;

Whereas the Fourth World Conference on Women (Beijing Conference) called on all governments to take measures, including legislative measures, to provide better protection of the rights of women and girls in trafficking, to address the root factors that put women at risk to traffickers, and to take measures to dismantle the national, regional, and international networks in trafficking;

Whereas the United Nations General Assembly, noting its concern about the increasing number of women and girls who are being victimized by traffickers, passed a resolution in 1996 calling upon all governments to criminalize trafficking in women and girls in all its forms and penalize all those offenders involved, while ensuring that the victims of these practices are not penalized; and

Whereas numerous treaties to which the United States is a party address government obligations to combat trafficking and the abuses inherent in trafficking, including such

treaties as the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, which calls for the complete abolition of debt bondage and servile forms of marriage, and the 1957 Abolition of Forced Labor Convention, which undertakes to suppress and not to make use of any form of forced or compulsory labor: Now, therefore, be it

1 *Resolved by the Senate (the House of Representatives*
2 *concurring)*, That it is the sense of Congress that—

3 (1) trafficking consists of all acts involved in
4 the recruitment or transportation of persons within
5 or across borders involving deception, coercion or
6 force, abuse of authority, debt bondage or fraud, for
7 the purpose of placing persons in situations of abuse
8 or exploitation such as forced prostitution, sexual
9 slavery, battering and extreme cruelty, sweatshop
10 labor or exploitative domestic servitude;

11 (2) trafficking also involves one or more forms
12 of kidnapping, false imprisonment, rape, battering,
13 forced labor or slavery-like practices which violate
14 fundamental human rights;

15 ~~(3) to address this problem, the Department of~~
16 ~~Justice Office of Violence Against Women, with the~~
17 ~~cooperation of Immigration and Naturalization Serv-~~
18 ~~ice, should submit a report to Congress on—~~

1 (A) efforts to identify instances of traffick-
 2 ing into the United States within the last 5
 3 years;

4 (B) the successes or difficulties experi-
 5 enced in promoting interagency cooperation, co-
 6 operation between local, State, and Federal au-
 7 thorities, and cooperation with nongovernmental
 8 organizations;

9 (C) the treatment and services provided,
 10 and the disposition of trafficking cases in the
 11 criminal justice system; and

12 (D) legal and administrative barriers to
 13 more effective governmental responses, includ-
 14 ing current statutes on debt bondage and invol-
 15 untary servitude;

16 (3) *to address this problem, the Department of*
 17 *Justice Office of Violence Against Women, with the*
 18 *cooperation of Immigration and Naturalization Serv-*
 19 *ice, should submit a report to Congress on the follow-*
 20 *ing:*

21 (A) *Prosecutions in the past five years*
 22 *under the following laws disaggregated by con-*
 23 *victions, acquittals, sentencing, case name, num-*
 24 *ber, courts, and other similar or relevant infor-*
 25 *mation: sections 371, 873, 1328, 1201 (a)(1) and*

(c), 1546, 1581–88, 1583, 2340(1), 2340A(a), 2421, and 2422 of title 18, United States Code, and sections 204, 244(a), 274, 277, and 278 of the Immigration and Nationality Act (8 U.S.C. 1154, 1254(a), 1324, 1327, 1328) and section 652 (b) and (c) of Public Law 104–208 (8 U.S.C. 1375 (b) and (c)). Note that prosecutions under these Acts do not necessarily indicate instances of “trafficking” and should be linked to a more detailed, community accountable research agenda in order to fully interpret the nature and extent of the issue.

(B) The successes or difficulties experienced in promoting interagency cooperation, cooperation between local, State, and Federal authorities, and cooperation with nongovernmental organizations.

(C) The treatment and services provided, and the disposition of trafficking cases in the criminal justice system.

(D) Legal and administrative barriers to more effective governmental responses, including current statutes on debt bondage and involuntary servitude;

1 (4) in order to ensure effective prosecution of
2 traffickers and the abuses related to trafficking, vic-
3 tims should be provided with support services and
4 incentives to testify, such as—

5 (A) stays of deportation with an oppor-
6 tunity to apply for permanent residency, wit-
7 ness protection, relocation assistance, and asset
8 forfeiture from trafficking networks with funds
9 set aside to provide compensation due to victims
10 of trafficking; and

11 (B) services such as legal assistance in
12 criminal, administrative, and civil proceedings
13 and confidential health care;

14 (5) the Secretary of State, in consultation with
15 the Department of Justice Office of Violence
16 Against Women, and nongovernmental organizations
17 should—

18 (A) develop curricula and conduct training
19 for consular officers on the prevalence and risks
20 of trafficking and the rights of victims; and

21 (B) develop and disperse to visa seekers
22 written materials describing the potential risks
23 of trafficking, including—

24 (i) information as to the rights of vic-
25 tims in the United States, including legal

1 and civil rights in labor, marriage, and for
2 crime victims under the Violence Against
3 Women Act; and

4 (ii) the names of support and advo-
5 cacy organizations in the United States;

6 (6) the Department of State and the European
7 Union—

8 (A) are commended as to their joint initia-
9 tive to promote awareness of the problem of
10 trafficking throughout countries of origin in
11 Eastern Europe and the independent states of
12 the former Soviet Union; and

13 (B) should continue efforts to engage in
14 similar programs in other regions and to ensure
15 that the dignity and the human rights of traf-
16 ficking victims are protected in destination
17 countries;

18 (7) the State Department's Bureau for Inter-
19 national Narcotics and Law Enforcement Affairs, to-
20 gether with the Department of Justice and the De-
21 partment of the Treasury, should continue to pro-
22 vide and expand funding to support criminal justice
23 training programs, which include trafficking; and

24 (8) the President's Interagency Council on
25 Women should submit a report to Congress, not

1 later than 6 months after the date of the adoption
2 of this resolution, with regard to the implementation
3 by the Secretary of State and the Attorney General
4 of the duties described in this resolution.

5 SEC. 2. The Secretary of the Senate shall transmit
6 a copy of this resolution to the President, the Secretary
7 of State, and the Attorney General.

Calendar No. 531

105TH CONGRESS
2D Session

S. CON. RES. 82

CONCURRENT RESOLUTION

Expressing the sense of Congress concerning the worldwide trafficking of persons, that has a disproportionate impact on women and girls, and is condemned by the international community as a violation of fundamental human rights.

AUGUST 25, 1998

Reported with an amendment and amendments to the
preamble